Supreme Court, U.S.
FILED
05117 MAR 7 - 2006
OFFICE OF THE CLERK

No.

In The
Supreme Court of the United States

JAMES WRAY, (PROPER) TRUSTEE OF THE HOYT SIBLEY AND MARY SIBLEY 1973 TRUST,
Petitioner,
v.
DAVID JOHNSON, (PUTATIVE) TRUSTEE OF THE HOYT SIBLEY AND MARY SIBLEY 1973 TRUST,
Respondent.

On Petition for a Writ of Certiorari
to the Supreme Court of the
State of Nevada

PETITION FOR WRIT OF CERTIORARI

James Wray
Appearing pro se
3140 E. Flamingo Road, #205
Las Vegas, Nevada 89121
(702) 433-4652

QUESTIONS PRESENTED

Question #1:

Petitioner's Trust was stolen. He *timely* filed a restitution, etc. action. Nevada courts refused to acknowledge the *existence* of the *restitution claim* and dismissed the action, as untimely. Petitioner then *timely* filed a probate petition to recover the Trust. Nevada courts ruled the petition was untimely. Nevada courts concocted their rulings by, blatantly:

1) Misstating the facts;

2) Refusing to address the relevant issues; and,

3) Refusing to apply the applicable law. The question presented is:

Whether citizens are denied their right to due process and equal protection, as guaranteed by §1 of the 14th Amendment to the U.S. Constitution, when justices of a highest state court *intentionally*: misstate the facts; refuse to address the relevant issues; and refuse to apply the applicable law; thereby causing the citizens to lose their cases and property.

Question #2:

Whether the United State Supreme Court should recognize an exception to absolute judicial immunity from suits for damages, when it is undisputed that justices of a state's highest court have: fabricated fraudulent facts; dismissed cases based upon those fraudulent facts; and refused to correct the fraud after being requested to do so.

Question #3:

Whether the Supreme Court should recognize an exception to the *Rooker-Feldman* doctrine to allow a lower federal court to review state court decisions pursuant to 42 U.S.C. § 1983, when it is undisputed that the highest court of a state has fabricated fraudulent facts and dismissed cases based upon those fraudulent facts, thereby depriving citizens of federal constitutional rights under color of state law.

PARTIES TO PROCEEDING

JAMES WRAY, Appellant below, represented by:
himself, JAMES WRAY [1]
3140 East Flamingo Road, Apt. 205
Las Vegas, Nevada 89121
(702) 433-4652

David Wray, Appellant in Pro Per below [2]
618 Garden Place
Las Vegas, Nevada 89107
(702) 878-6250

David Johnson, as Trustee of the HOYT SIBLEY AND MARY SIBLEY 1973 TRUST, Respondent below, represented by:
Mark Solomon, Esq.
Dana Dwiggins, Esq.
LIONEL, SAWYER & COLLINS
300 S. Fourth St., Suite 1700
Las Vegas, Nevada 89101
(702) 383-8888

---

[1] James Wray is not in the U.S. Supreme Court Bar. So, he is filing pro se. He is in the Nevada and California bars (in good standing, but on inactive status, in both).

[2] David Wray is not an attorney. He has signed on to some of James Wray's Nevada filings and he has joined in many others by means of motions to join in them.

TABLE OF CONTENTS

	Page
QUESTIONS PRESENTED	i
PARTIES TO PROCEEDING	ii
TABLE OF AUTHORITIES	vi
OPINION BELOW	1
JURISDICTION	1
CONSTITUTIONAL AND STATUTORY PROVISIONS INVOLVED	1
STATEMENT OF THE CASE	2
Raising of the Federal Questions	2
In the trial level district court	2
In the Nevada Supreme Court	6
Other Facts Material to a Consideration Of the Questions Presented	11
REASONS FOR GRANTING THE PETITION	14

1. CITIZENS ARE DENIED THEIR RIGHT TO DUE PROCESS, AS GUARANTEED BY §1 OF THE 14TH AMENDMENT TO THE UNITED STATES CONSTITUTION, WHEN A CORRUPT

STATE COURT FRAUDULENTLY MISSTATES THE FACTS OF THEIR CASES, REFUSES TO APPLY THE APPLICABLE LAW, AND REFUSES TO ADDRESS IMPORTANT ISSUES; AND, THEREBY, DISMISSES THEIR CASES, CAUSING SUCH CITIZENS TO LOSE PROPERTY. THE UNITED STATES SUPREME COURT SHOULD RULE THAT ANY SUCH RESULTING JUDGMENTS ARE VOID. 14

2. THE UNITED STATE SUPREME COURT SHOULD RECOGNIZE AN EXCEPTION TO ABSOLUTE JUDICIAL IMMUNITY FROM SUITS FOR DAMAGES WHERE IT IS UNDISPUTED THAT JUSTICES OF A STATE'S HIGHEST COURT HAVE FABRICATED FRAUDULENT FACTS AND DISMISSED CASES BASED UPON THOSE FRAUDULENT FACTS. 18

3. IF THE UNITED STATES SUPREME COURT RECOGNIZES AN EXCEPTION TO ABSOLUTE JUDICIAL IMMUNITY FROM SUITS FOR DAMAGES WHERE JUSTICES OF A STATE'S HIGHEST COURT HAVE FABRICATED FRAUDULENT FACTS, THERE IS NO MEANINGFUL REMEDY UNLESS PERSONS HARMED CAN SUE IN THE FEDERAL SYSTEM PURSUANT TO 42 U.S.C. § 1983. 21

4. IF THE SUPREME COURT ALLOWS 42 U.S.C. § 1983 CASES TO BE BROUGHT WHERE JUSTICES OF A

STATE'S HIGHEST COURT HAVE FABRICATED FRAUDULENT FACTS, THE SUPREME COURT SHOULD ALSO ALLOW THE FRAUDULENT JUDGMENTS RESULTING FROM SUCH MISCONDUCT, NOT ONLY TO BE EXAMINED AS EVIDENCE, BUT ALSO TO BE RULED VOID, BY THE FEDERAL COURTS PRESIDING OVER SUCH 42 U.S.C. § 1983 CASES. 23

CONCLUSION 24

TABLE OF AUTHORITIES

	Page(s)
Cases:	
Dababnah v. West Virginia Bd. Of Medicine, 47 F. Supp.2d 734, 749 (S.D.W.Va. 1999)	15-16
Forrester v. White, 484 U.S. 219, 226, 227, 230, 108 S.Ct. 538, 544, 545, 546, 98 L.Ed.2d 555 (1988)	18-19
Nesses v. Shepard, 68 F.3d 1003, 1005 (7th Cir. 1995)	22
Constitutional and Statutory Provisions:	
Section 1 of the 14th Amendment to the United States Constitution	1, 3, 6, 7, 9, 10, 11, 14, 15, 16, 17
28 U.S.C. § 1257(a)	1, 2, 20 23, 75a
42 U.S.C. § 1983	2, 21, 22, 23, 74a
Other Authority:	
Rooker-Feldman doctrine	2, 23

27 San Diego Law Review 1 (1990) 21

Supreme Court Practice,
8th Edition (2002) 15, 20, 21, 22, 23

Supreme Court's Views As to
Judges Liability for Damages,
116 L.Ed. 947, 954 22

PETITION FOR WRIT OF CERTIORARI

OPINIONS BELOW

On December 21, 2005, the Nevada Supreme Court filed its unreported Order of Affirmance. (App., infra, 3a - 7a) On January 12, 2006, the Nevada Supreme Court filed its unreported Order Denying Rehearing. (App., infra, 8a - 9a) On February 1, 2006, the Nevada Supreme Court filed its unreported Order Denying En Banc Reconsideration. (App., infra, 10a - 11a) On December 29, 2003 the district court filed its unreported Order dismissing the probate petition. (App., infra, 12a-13a) On January 28, 2004, the district court filed its unreported Order denying reconsideration. (App., infra, 14a-15a)

JURISDICTION

On December 21, 2005, the Nevada Supreme Court filed its unreported Order Of Affirmance. (App., infra, 3a - 7a) On January 12, 2006, a timely Petition for Rehearing was denied. (App., infra, 8a - 9a) On February 1, 2006, a timely Petition for En Banc Reconsideration was denied. (App., infra, 10a - 11a) The jurisdiction of this Court is invoked under 28 U.S.C. § 1257(a).

CONSTITUTIONAL AND STATUTORY PROVISIONS INVOLVED

Section 1 of the 14th Amendment to the United States Constitution states:

> "All persons born or naturalized in the United States, and subject to the jurisdiction thereof, are citizens of the United States and the State wherein they

reside. No State shall make or enforce any law which shall abridge the privileges or immunities of citizens of the United States; nor shall any State deprive any person of life, liberty, or property, without due process of law; nor deny to any person within its jurisdiction the equal protection of the laws." (Emphasis added.)

Also involved in the requested relief are: 42 U.S.C. § 1983 and 28 U.S.C. § 1257(a), as it relates to the *Rooker-Feldman* doctrine. Those statutes are reproduced, at App., infra, at 74a and 75a, respectively.

STATEMENT OF THE CASE

Raising of the Federal Questions

In the trial level district court, the federal questions were:

1) Raised by Respondent on page 7 of his Sept. 24, 2003 Objection to the (Probate) Petition wherein he stated:

> "On April 10, 2003, James Wray filed an Application for Writ of Certiorari with the United States Supreme Court ... (charging) the Nevada Supreme Court ... (with) fraudulently misstating the facts of the ... (prior restitution case) and dismissing ... (that) case upon misstated facts." (1 A.A. 141.)

2) Confirmed by Petitioner, on page 7 of his Oct. 13, 2003 Reply to the Objection, when he stated:

> "What DAVID JOHNSON says ... (concerning the Petition for Writ of Certiorari) is correct. (The Petition ... is Exhibit #3 to this Reply.)" (2 A.A. 325.)

3) Raised by Petitioner, on pages 7-8 of his Nov. 20, 2003 Counter Argument to the Respondent's Supplement to his (Respondent's) Objection, when he stated to the district court:

> "... [U]ntil the conclusion of the other case, no one, not privy to inside knowledge, could have guessed that both the District Court and the Nevada Supreme Court would totally ignore the restitution cause of action and dismiss the prior lawsuit as if DAVID JOHNSON had never been sued for restitution. Petitioners exhausted all possible appeals ... (including a petition for writ of certiorari to the U.S. Supreme Court) and then promptly filed the (Probate) Petition. ..." (2 A.A. 477-478.) (Emphasis is in the original.)

4) Raised by Petitioner, on pages 1-3 of his Jan. 8, 2004 Motion for Reconsideration in which he stated:

> "The Order of the District Court, filed December 29, 2003 by which the Court sanctions the theft of Petitioners' Trust left to them by their mother is grossly incorrect. Further the subject Order and the proceedings of the District Court which gave rise to it are grossly bias and thus in violation of Section 1 of the 14th Amendment to the United States Constitution which reads:
>
> > "All persons born or naturalized in the United States, and subject to the jurisdiction thereof, are citizens of the United States and the State wherein they reside. No State shall make or enforce any law which shall abridge the privileges or immunities ... [of] citizens of the United States; nor shall any State deprive any person of life, liberty, or property, without due process of law;

nor deny to any person within its jurisdiction the equal protection of the laws." (Emphasis added.)

...

The bias of ... Chief Judge Douglas ... , presently a candidate running for election to the Nevada Supreme Court, is demonstrated in particular in:

1) The Reporter's Transcript of the November 20, 2003 Hearing filed December 9, 2003 (Exhibit #1 to this Motion.) in which:

A) Despite detailed briefing to the contrary, the Court falsely alleges that the trust allowed Petitioners' to be disinherited from their mother's estate after their mother's death (pg. 3 line 19 -pg 5 line 4);

B) The Court is shown that indeed the trust and wills do not allow the disinheritance of Petitioner's after their mother's death (pg. 5 line 5-pg 14 line 22 & pg 17 line 8-line 10 & pg 42 line 18-pg 45 line 4);

C) The Court is shown that briefing established that res judicata and collateral estoppel do not prevent Petitioners from bringing their Petition to claim their inheritance. (pg 17 line 9-pg 24 line 14 & 29 line 2- pg.32 line 7);

D) The Court ,on its own, finds and applies 2 inapplicable statutes of limitations to terminate Petitioners' attempt to recover their stolen trust (pg 32 line 8-pg 34 line 23 & pg 38 line 19-pg 41 line 7 & especially pg 41 line 21 -pg 42 line 12 & pg 45 line 1 - pg 46 line 8);

E) The Court acquiesces when Mr. Solomon, who knows that there is no applicable statute of limitations and thus did not raise this